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SUSPENSE

19 February

Date

Remarks:

Please coordinate an Agency response
NLT 19 February.

Executive Secretary

25 Jan 82

Date

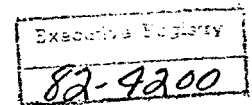
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503



OFFICE OF FEDERAL
PROCUREMENT POLICY

JAN 21 1982


MEMORANDUM TO HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Proposed Policy Letter on Public Participation in Development
of Federal Procurement Policies and Regulations

Enclosed is the text of a notice appearing in the Federal Register on December 30, 1981 (46 FR 250, 63158-59), inviting comments on a proposed OFPP Policy Letter.

The Policy Letter will establish uniform criteria and procedures for executive agencies to follow in soliciting the views of interested parties in the development of procurement policies, regulations, and forms.

Your written comments on this proposal are invited.


Donald E. Sowle
Administrator

Enclosure



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

December 23, 1981

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

PROPOSED POLICY LETTER; OPPORTUNITY FOR REVIEW AND COMMENT

AGENCY: Office of Federal Procurement Policy; Office of Management and Budget

ACTION: Solicitation of views.

SUMMARY: Section 6(d)(3) and 14(b) of the Office of Federal Procurement Policy Act, Public Law 93-400, as amended by Public Law 96-83 (41 U.S.C. 407(d)(3), 412(b)), require the Administrator for Federal Procurement Policy to:

- Establish criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms.

- Require by regulation that formal meetings of the Office of Federal Procurement Policy, as designated by the Administrator, for the purpose of developing procurement policies and regulations, shall be open to the public, and that public notice of each such meeting shall be given not less than ten days prior thereto.

The proposed Policy Letter would implement these statutory requirements by establishing uniform procedures for all agencies issuing procurement policies, regulations, procedures, and forms, and by publicizing the procedures of the Office of Federal Procurement Policy for the conduct of public hearings and open meetings.

DATE: Comments must be received by February 28, 1982.

ADDRESS: Send comments to Mr. LeRoy J. Haugh, Associate Administrator for Regulatory Policies and Practices, Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy J. Haugh, address as above, telephone (202) 395-6166.

A handwritten signature in cursive script, reading "Donald E. Sowle".

Donald E. Sowle
Administrator



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OFFICE OF FEDERAL
PROCUREMENT POLICY

December 23, 1981

OFPP POLICY LETTER NO. 82-

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Public Participation in the Development of Federal Procurement
Policies and Regulations

1. Purpose. The purpose of this Policy Letter is to establish uniform criteria and procedures for soliciting the views of all interested parties in the development of Federal procurement policies, regulations, procedures and forms.
2. Authority. This Policy Letter is issued pursuant to Section 6(d)(3) and Section 14(b) of the Office of Federal Procurement Policy Act, Public Law 93-400, as amended by Public Law 96-83 (41 U.S.C. 407(d)(3), 412(b)).
3. Policy. The views of all interested parties, including Government agencies, private organizations and associations, business firms, educational institutions and individuals are to be obtained and considered by any executive agency proposing to develop or amend a procurement policy, regulation, procedure, or form.
4. Criteria. The policy applies to all significant proposed procurement policies, regulations, procedures and forms. A proposal is considered to be significant if it has any affect beyond the internal operating procedures of the issuing agency.
5. Waiver. The solicitation of views from outside the Government may be waived, by the heads of executive departments or establishments or their deputies when circumstances make such solicitation impracticable, such as an emergency or a requirement to implement a new statute in a relatively short time.
6. Procedures. All significant proposed procurement policies, regulations, procedures, and forms shall be published in the Federal Register for public comment. The views of Government agencies shall be solicited by letters addressed to the agencies. The normal comment period shall be 60 days, but in no case less than 30 days. When new material is being developed on a coordinated uniform basis for the Defense Acquisition Regulation, the Federal Procurement Regulations, and the National Aeronautics and Space Administration Procurement Regulation, publication and receipt of comments should be handled by only one agency, to be agreed upon by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration. Matters which have been through a public comment period by one agency, including the Office of Federal Procurement Policy, and are being adopted or implemented without significant change by another agency, need not be published again for comment.

7. Content of Notice. The Federal Register notice shall include the following:

- a. The basis for the proposal;
- b. An analysis of the significant features of the proposal;
- c. A description of the results anticipated from implementation of the proposal; and an estimate of the effect on both Government and private sector workload;
- d. The anticipated effect on the procurement process.
- e. The text of the proposed issuance. However, if it is impracticable to publish the full text in the Federal Register, a summary shall be published, and the notice shall advise where the full text may be obtained or examined.

8. Mailing List. Agencies are encouraged to maintain lists of organizations, associations, and other interested parties that have expressed a continuing desire to be informed of proposed changes to procurement policies, regulations, procedures, and forms, and to solicit their comments directly in addition to any notice published in the Federal Register.

9. Public Hearings or Meetings of the Office of Federal Procurement Policy. Public hearings or formal meetings, open to the public, may be held by OFPP to provide an opportunity for discussion of policies under consideration. Criteria and procedures are as follows:

a. Criteria. A public hearing or open meeting shall be held in connection with the adoption, amendment, or repeal of an OFPP policy whenever the Administrator determines that such a hearing or meeting would—

- (i) materially benefit the consideration of the issues;
- (ii) be likely to develop significant additional information or views or;
- (iii) provide useful public visibility to the policy determination of the Office.

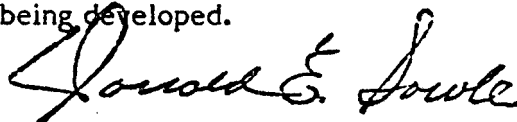
The convening of such a hearing or meeting may be forgone if the Administrator determines that it is not feasible, as in matters of urgency or for other good cause.

b. Notice and Procedures. Notice of any public hearing or open meeting shall normally be published in the Federal Register at least 30 days in advance, and in the "Business News" section in the Commerce Business Daily. Anyone may

make a brief oral presentation, provided a written statement is submitted to OFPP by the day preceding the hearing or meeting. Only one representative of any organization may make an oral presentation, and the Administrator may require that such presentations be limited to summarizing the main points of written submissions. If time permits, others in attendance may be allowed to comment briefly on matters under discussion. Hearings and meetings will not ordinarily be recorded by OFPP; anyone attending may record the proceedings provided that OFPP be furnished a copy of any transcript made.

10. Effective Date. This Policy Letter is effective _____.

11. Expiration. This Policy Letter shall expire upon the effective date of the Federal Acquisition Regulation, now being developed.



Donald E. Sowle
Administrator